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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,531

04/02/2004

Marc Schaepekens

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4869

GERD:0065

7590

07/07/2006

EXAMINER

CHU, CHRIS C

Patrick S. Yoder  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289

ART UNIT

PAPER NUMBER

2815

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/817,531	<b>Applicant(s)</b> SCHAEPKENS ET AL.	
	<b>Examiner</b> Chris C. Chu	<b>Art Unit</b> 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 33 is/are pending in the application.
- 4a) Of the above claim(s) 11 - 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/9/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 9, 2006 has been entered. An action on the RCE follows.

### ***Response to Amendment***

2. Applicant's amendment filed on October 24, 2005 has been received and entered in the case.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 6, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman (U. S. Pat. No. 6,655,788).

Regarding claim 1, Freeman discloses in e.g., Fig. 1C a package comprising:

- a flexible substrate (3) comprising a polymeric transparent film (column 6, lines 20 – 26);
- an organic electronic device (2 or 2A; column 6, line 4 and column 5, line 38) coupled to the transparent film (see e.g., Fig. 1A);
- a sealant (4; column 6, lines 4 – 7) coupled to the flexible substrate (3) and disposed about the perimeter of the organic electronic device (2; see e.g., Fig. 1A); and
- a superstrate (9; column 6, line 64) coupled to the sealant (thru the elements 3 and 6) and disposed proximate to the organic electronic device (2; see e.g., Fig. 1A),
- wherein the superstrate (9) comprises a periphery adapted to wrap around the edges of the package (see e.g., Fig. 1A).

Regarding claim 2, Freeman discloses in e.g., Fig. 1A the flexible substrate (3) comprising a barrier coating (column 6, lines 51 – 55).

Regarding claim 3, Freeman discloses in e.g., Fig. 1C the flexible substrate (3) being a composite substrate comprising:

- a first protective layer (6, at the left-side. Since the element 6 can add desired features i.e., scratch resistance, etc., the element 6 reads as a protective layer; column 6, lines 41 – 53) configured to resist abrasion;
- a polymeric transparent film (3) coupled to the first protective layer (6, at the left-side);

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- a barrier coating (7; column 6, lines 41 – 53. Since the element 7 can add desired features i.e., hardness, etc., the element 7 reads as a barrier coating layer) coupled to the transparent film (215); and
- a second protective layer (6, at the right-side) coupled to the barrier coating (thru the elements 3A and 6A) and configured to protect the transparent film from chemical attach during fabrication.

Furthermore, the limitations “resist abrasion” and “configured to protect the transparent film from chemical attach during fabrication” are inherent functional languages that do not differentiate the claimed structure over Kumar et al.

Regarding claim 4, Freeman discloses in e.g., Fig. 1C the flexible substrate (3) being a composite substrate comprising:

- a first protective layer (6, at the left-side) configured to resist abrasion;
- a first polymeric transparent film (3, at the left-side) coupled to the first protective layer;
- a first barrier coating (7) coupled to the first transparent film;
- a second barrier coating (7A) coupled to the first barrier coating via an adhesive layer (the inherent attach layer);
- a second polymeric transparent film (3A) coupled to the second barrier coating; and
- a second protective layer (6A, at the right-side) coupled to the barrier coating (thru the elements 3A and 6A) and configured to protect the transparent film from chemical attach during fabrication.

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Furthermore, the limitations “resist abrasion” and “configured to protect the transparent film from chemical attack during fabrication” are inherent functional languages that do not differentiate the claimed structure over Kumar et al.

Regarding claim 5, Freeman discloses in e.g., Fig. 1C a barrier coating (7) coupled between the flexible substrate (3) and the organic electronic device (2A).

Regarding claim 6, Freeman discloses in e.g., Fig. 1C the organic electronic device (2) comprising an organic light emitting diode (column 5, line 38).

Regarding claim 8, Freeman discloses in e.g., Fig. 1C the sealant (4) comprising an adhesive material (column 6, lines 4 – 7) having a “low” permeability (Since all of the adhesive layer has some degree of permeability, Freeman fully meets this limitation.).

Regarding claim 9, Freeman discloses in e.g., Fig. 1C the sealant (4 with a portion of the adhesive layer between the elements 6 and 3) comprising a thickness that is greater than a thickness of the organic electronic device (2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Silvernail et al. (U. S. Pat. No. 6,537,688).

While Freeman discloses the use of the organic electronic device, Freeman does not disclose an organic photovoltaic device. Silvernail et al. teaches in e.g., Fig. 4 and column 4, lines 15 – 19 an organic electronic device includes circuits, such as an OLED and organic photovoltaic devices. It would have been obvious to one of ordinary skill in the art at the time when the invention was made to have an organic photovoltaic devices as a well known substitute.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Bornstein (U. S. Pat. No. 4,352,844).

While Freeman discloses the use of the superstrate (e.g., clip), Freeman does not disclose a metal foil to be the material of the superstrate. Bornstein teaches in e.g., column 5, lines 32 – 34 a superstrate (e.g., clip) includes materials, such as a metal foil and a plastic. It would have been obvious to one of ordinary skill in the art at the time when the invention was made to have a metal foil to form the superstrate (e.g., clip) as a well known substitute.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris C. Chu whose telephone number is 571-272-1724. The examiner can normally be reached on 11:30 - 8:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

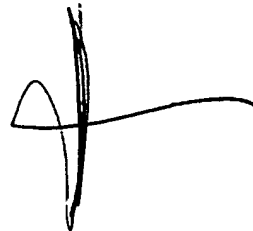
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris C. Chu  
Examiner  
Art Unit 2815

C.C.

Thursday, July 06, 2006

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and a vertical stroke.

JPE TC2807